

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/849,515 Confirmation No. 7131
Applicant: Hajime Nakagawa
Filed: May 20, 2004
Title: PHOTOTHERMOGRAPHIC MATERIAL AND IMAGE FORMING METHOD
Art Unit: 1752
Examiner: Chea, Thorl
Docket No.: FS-F03334-01
Cust. No.: 37398

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Please enter this Terminal Disclaimer as more fully set forth herein:

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U.S. Application Serial No. 10/849,515
TERMINAL DISCLAIMER

Attorney Docket No.: FS-F03334-01

(mark box if applicable)

**TERMINAL DISCLAIMER TO OBLVIAE A PROVISIONAL DOUBLE PATENTING REJECTION OVER:
PENDING "REFERENCE" APPLICATION**

The owner, FUJI PHOTO FILM CO. LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number(s):

<u>Application Number</u>	<u>Date of Filing</u>
1. 10/408,574	04/08/2003
2. 10/837,674	05/04/2004
3.	
4.	
5.	

as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shorted by any terminals disclaimer filed prior to its grant.

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<u>Patent Number</u>
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as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminals disclaimer.

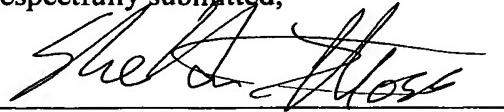
U.S. Application Serial No. 10/849,515
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A single terminal disclaimer fee under 37 CFR 1.20(d) is included. Pursuant to MPEP 804.02(IV), even if this document is being used to disclaim multiple references, this document shall be treated as a single terminal disclaimer for purposes of paying the terminal disclaimer fee set forth in 37 CFR 1.20(d).

The undersigned is an attorney or agent of record.

Respectfully submitted,



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